We claim:

1. (Currently amended) An interlayer for placement on a paved surface, comprising a mixture of:

aggregate comprised of no more than about 15% by weight natural sand; and

~~an asphalt binder~~ a petroleum based asphalt binder, wherein said interlayer has a Hveem Stability at 60^{O} C. and 50 gyrations of at least about 22 and a Flexural Beam Fatigue of at least about 50,000 cycles at 2000 microstrains, 10 Hz, 3.0 $\pm$ 2.0% air voids, at 0-30^{O} C.

2. (Original) The interlayer of claim 1, wherein said asphalt binder is a polymer modified asphalt binder.

3. (Currently amended) The interlayer of claim 1, wherein said interlayer is about 0.5 to 2 inches thick on ~~said paved surface~~ a paved surface.

4. (Previously presented) The interlayer of claim 1, wherein said binder is chosen based on the temperature associated with the regional climate.

5. (Previously presented) The interlayer of claim 1, wherein said binder is chosen from a Type I binder for Northern Type I climates, a Type II

Binder for Central Type II climates, and a Type III binder for Southern Type III climates.

6. (Original) The interlayer of claim 1, wherein said interlayer is substantially impermeable.

7. (Original) The interlayer of claim 1, wherein said aggregate is comprised of no more than about 10% by weight natural sand.

8. (Original) The interlayer of claim 1, wherein said aggregate is comprised of no more than about 5% by weight natural sand.

9.-14. (Cancelled)